

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

MARKEL OVERTON, et al.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 4/24/2018

S1 17 Cr. 644 (NSR)

Protective Order

Nelson S. Román, District Judge:

WHEREAS, the defendants, through their respective counsel, have sought certain materials from the Government, including materials pursuant to Federal Rule of Criminal Procedure 16 ("Rule 16"), which (1) contain and/or reflect personal identification information (including but not limited to names, addresses, phone numbers, email addresses, social security numbers, dates of birth, and/or account numbers) and/or other highly personal information (collectively, "Personal Information"); and (2) contain other highly sensitive material, such as statements by eyewitnesses or cooperating witnesses (the "Sensitive Information");

WHEREAS, the Government seeks, pursuant to Rule 16(d)(1), to protect the confidential information in the materials it produces, including the Personal Information and the Sensitive Information;

IT IS HEREBY ORDERED:

1. Material produced by the Government in this action that contains and/or reflects Personal Information or Sensitive Information may be designated as "Confidential Material" by labeling the material "UNITED STATES GOVERNMENT - CONFIDENTIAL MATERIAL."

2. Confidential Material disclosed to the defendants' respective counsel or Emma M. Greenwood, the court appointed Coordinating Discovery Attorney ("CDA") in this

matter (collectively, "Counsel"), during the course of proceedings in this action:

- (a) Shall be used by the Counsel only for purposes of this action;
- (b) Shall be kept in the sole possession of each defendant's Counsel;
- (c) Shall not be reviewed or maintained by the defendant outside the presence of his/her Counsel;

- (d) Shall not be copied or otherwise recorded by the defendant;
- (e) Shall not be disseminated or disclosed in any form by the defendant, his Counsel, or the CDA except as set forth in paragraphs 2(f), 3, and 4 below;

- (f) May be disclosed only by Counsel or the CDA and only to the following Designated Persons:

- (i) Co-Counsel;
 - (ii) Investigative, secretarial, clerical, paralegal, and student personnel employed full-time or part-time by the defendant's Counsel;
 - (iii) Independent expert witnesses, investigators, or expert advisors retained by the defendant or on his/her behalf in connection with this action;
 - (iii) Such other persons as hereafter may be authorized by the Court upon such motion by the defendant; and
- (g) Shall be returned to the Government following the conclusion of this case or upon order of the Court, whichever occurs first, together with any and all copies thereof, or shall be destroyed together with any and all copies thereof and defendant's Counsel shall verify such destruction in writing.

3. No persons shall be provided, shown, or read the contents of any materials produced pursuant to the terms of this Order, and labeled as "UNITED STATES

GOVERNMENT - CONFIDENTIAL MATERIAL," or any copy thereof, unless and until they have been provided with a copy of this Order and certify under oath and in writing that they will comply with its terms. The defense shall maintain a record of all such persons and certifications. The CDA may disclose or reveal the contents of materials labeled "United States Government – Confidential Material" to defense counsel who have entered appearances in this matter and have signed this Order. The CDA may also disclose or reveal the contents of materials labeled "United States Government – Confidential Material" to her employees who are assisting in the preparation and dissemination of such materials, and to third party vendors she may deem necessary to process the discovery she receives, as long as such individuals or entities have been provided with a copy of this Order and certify under oath and in writing that they will comply with its terms.


4. The defense shall not attach any materials produced pursuant to the terms of this Order to any public filings with the Court or publicly disclose such materials, or their contents in any other manner, without prior notice to the Government and explicit approval by the Government. If the defense and the Government cannot agree on the manner in which the materials or their contents may be publicly disclosed, the parties shall seek resolution of such disagreements by the Court.

5. Except as limited in paragraphs 2(f), 3, and 4, the provisions of this Order shall not be construed as preventing the disclosure of any information by the Government or the defense in any motion, hearing, trial, or sentencing proceeding held in this action or to any judge or magistrate judge of this Court for purposes of this action.

Dated: New York, New York
_____, 2018

GEOFFREY S. BERMAN
United States Attorney for the Southern District of
New York

By:



Sarah Krissoff/Anden Chow
Christopher Clore/Olga Zverovich
Assistant United States Attorneys
(212) 637-2232/2348/1063/(914) 993-1927

By:

A. James Bell
Attorney for defendant Markel Overton

By:

Aaron M. Goldsmith
Attorney for defendant Thomas Blanton

By:

John A. Diaz / Michael Bachrach / Richard Jasper
Attorney for defendant Marquis Collier

By:

Steven Brill
Attorney for defendant Kadeem Dinham

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Dated: New York, New York
April 3, 2018

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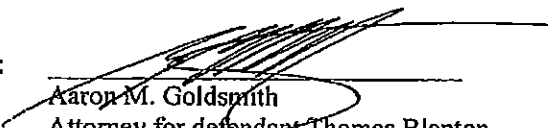
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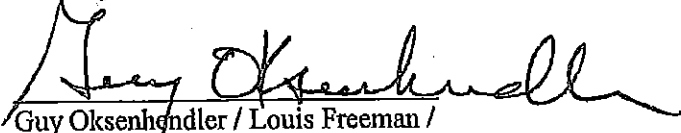
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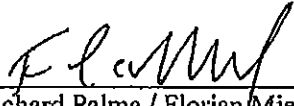
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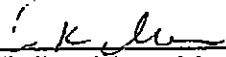
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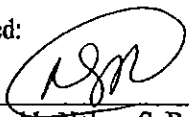
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Emma Greenwood
Coordinating Discovery Attorney

So Ordered:


The Honorable Nelson S. Roman
United States District Judge

04/23/2018